

REMARKS

Claims 1-3 are pending in the above-identified application. Claim 1 is herein amended. No new matter has been entered. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 24, 2006.

Claim Rejections - 35 U.S.C. §112

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, because “lines 1 and 2 are unclear (to the Examiner).” To expedite prosecution and clarify the subject matter of the present invention, Applicants hereby amend claim 1 recite: “A support system for a power train of a forklift ~~in a support structure for the power train of the forklift~~ having a counterweight in the rear part of a body frame, characterized in that...” Accordingly, Applicants respectfully request that the Examiner withdraw the §112 rejection of claim 1.

Claim Rejections - 35 U.S.C. §103

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Enmeiji et al.* ‘831 (U.S. Patent No. 6,732,831) in view of *A. Taub* ‘637 (U.S. Patent No. 1,950,637).

To expedite prosecution and clarify the subject matter of the present invention, Applicants hereby amend claim 1 to recite – a front side support is provided at one location positioned at a differential gear case ~~or a frame side cross member~~ and in the vicinity of the roll axis of the power train --. None of the cited references, alone or in combination, teaches or even

suggests this limitation. Instead, as acknowledged by the Examiner in the previous Action, *Taub* teaches providing at “a frame side cross member” and not at “a differential gear case”.

Accordingly, in view of the above remarks, Applicants respectfully request that the Examiner withdraw the obviousness rejection and allow claim 1.

Also, claims 2 and 3 depend from independent claim 1 and should likewise be allowed.

Allowable Subject Matter

Applicants appreciate the Examiner’s acknowledgement that claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, Applicants respectfully submit that this claim is allowable in its present form because of its dependency from claim 1.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/812,415
Attorney Docket No. 042281

Amendment under 37 C.F.R. §1.111
Amendment filed: July 18, 2006

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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